

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DERICO THOMPSON,

Petitioner,

v.

CASE NO. 05-CV-71882-DT
HONORABLE ARTHUR J. TARNOW

RAYMOND BOOKER,

Respondent.

**ORDER DENYING PETITIONER'S REQUEST
FOR APPOINTMENT OF COUNSEL**

Before the Court is Petitioner's letter request seeking appointment of counsel in this habeas action. In support of his request, Petitioner alleges that he is unskilled in the law and needs assistance in replying to Respondent's answer to the habeas petition.

Petitioner has no absolute right to be represented by counsel on federal habeas corpus review. *Abdur-Rahman v. Michigan Dept. of Corrections*, 65 F.3d 489, 492 (6th Cir. 1995); *see also Wright v. West*, 505 U.S. 277, 293 (1992) (citing *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987)). “[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right.” *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) (quoting *United States v. Madden*, 352 F.2d 792, 793 (9th Cir. 1965)). Petitioner has submitted his habeas petition in support of his claims. Neither an evidentiary hearing nor discovery are necessary at this time, and

the interests of justice do not require appointment of counsel. *See* 18 U.S.C. § 3006A(a)(2)(B); 28 U.S.C. foll. § 2254, Rules 6(a) and 8C. Petitioner has 45 days in which to reply to Respondent's answer, but may request additional time if necessary to submit a reply.

Accordingly, the Court **DENIES WITHOUT PREJUDICE** Petitioner's request for appointment of counsel. The Court will reconsider Petitioner's request if, following review of the pleadings and state court record, the Court determines that appointment of counsel is necessary. Petitioner need not file an additional motion concerning this issue.

s/Arthur J. Tarnow
Arthur J. Tarnow
United States District Judge

Dated: November 15, 2005

I hereby certify that a copy of the foregoing document was served upon counsel of record on November 15, 2005, by electronic and/or ordinary mail.

s/Catherine A. Pickles
Judicial Secretary